

STATE BOARD OF PUBLIC SCHOOL EDUCATION

MINUTES OF MEETING

MAY 17, 2021

Members of the State Board of Public School Education met in the Peace Garden Room in the North Dakota State Capitol on Monday, May 17, 2021. The meeting was called to order by Sonia Meehl at 1:01 PM. The following State Board members were in attendance for the meeting:

Mr. Josh Johnson

Dr. Steve Holen

Mr. Jeff Fastnacht

Superintendent Kirsten Baesler

Mr. Burdell Johnson

Ms. Maria Effertz Hanson

Ms. Sonia Meehl

Also present: Administrative Law Judge Timothy Dawson, Jodi Johnson, Kayla Olander, Jared Kizima, Matt Norby, Allyson Hicks, Alice Johnson, Caryn Woodstead. Present on Teams: Mark Vollmer.

NEXT MEETING

Chairman Meehl moved the agenda item concerning the next meeting date to the top of the agenda and a discussion about a date for the June meeting was held. It is likely that a hearing will need to be held and the regular meeting date in June will not provide enough time for noticing requirements to be met. It was decided that all business for June would be moved so that only one meeting needed to be held and the date was set for June 30, 2021, at 1:00 PM.

APPROVAL OF MINUTES

Mr. Josh Johnson moved that the minutes of the April 19, 2021, meeting be approved. Mr. Fastnacht seconded the motion. Motion carried unanimously.

HOLD HEARING, DISCUSS, AND TAKE ACTION ON THE FOLLOWING ANNEXATION OF PROPERTY FROM NEDROSE PUBLIC SCHOOL DISTRICT NO. 4 TO MINOT PUBLIC SCHOOL DISTRICT NO. 1, BOTH OF WARD COUNTY IN NORTH DAKOTA (KIZIMA PETITION)

Chairman Meehl turned the meeting over to Administrative Law Judge Timothy Dawson to conduct the hearing on the annexation of property from the Nedrose Public School District No. 4 of Ward County to the Minot Public School District No. 1 of Ward County, the Kizima Petition. The hearing began at 1:10 PM and was conducted under the authority of Chapter 15.1-12 of the North Dakota Century Code. Judge Dawson admitted the annexation packet into evidence as Exhibit #1. Judge Dawson noted that the rules of evidence would be waived at this hearing per NDCC Section 28-32-24.

County Superintendent of Schools:

Jodi Johnson, Ward County Superintendent of Schools, was called to testify. Ms. Johnson reviewed the annexation packet and maps of the property to be annexed. Ms. Johnson indicated that she had sent letters to all property owners affected by this annexation. She went on to explain that what made this annexation different from some annexations is that the Ward County Reorganization Committee elected to have the petitioners not only pay the taxes of the Minot Public School District, the district they're annexing into, but to also pay the bonded indebtedness of the Nedrose Public School District, the district they're annexing out of, which has a bond that matures in 2033.

Ms. Johnson further testified that after the hearing she sent out tax statements to the petitioners, as well as to the other affected landowners, indicating what the different tax amounts would be should this annexation be passed. Judge Dawson entered that information as Exhibit 2.

Mr. Fastnacht asked Ms. Johnson if she had received any correspondence from landowners after she sent out the tax information. She indicated that she had received a call from Mark Roen discussing the property that his mother lives on. Mr. Fastnacht went on to ask what the nature of that correspondence was. Ms. Johnson said that he indicated that he wasn't thrilled about it, but that he would not testify against the annexation. She also stated that the petitioners themselves had also spoken to all their neighbors.

Chairman Meehl asked Ms. Johnson to clarify who decided the way the taxes would be paid, the county committee or the petitioner. Ms. Johnson stated that it was the decision of the county committee.

Judge Dawson called for any county committee members wishing to testify and there were none.

Petitioner:

Kayla Olander, petitioner, testified that the reason they initiated this petition was that they wanted their son to be able to attend Minot Public Schools, specifically John Hoeven Elementary, for several reasons. She went on to say that one of the main reasons is that he suffers from anxiety especially regarding big changes and that the change from being home daily to going to school daily will be a big change, but that their son is already familiar with John Hoeven Elementary, including the building itself, the playground, many of the students that attend there and that, additionally, several of the staff members there are neighbors, and even family. It is the petitioner's belief that those factors will significantly help ease the transition.

The second main reason is that their son's occupational therapist suggested that riding a bus be avoided if at all possible. The petitioner's son struggles with sound and sensory issues and the occupational therapist thought that being in a loud environment, coupled with being in a small space, would not be a healthy way to start his day. Ms. Olander further stated that that starting his day that way was "just not in his best interest and doesn't support the social emotional learning that we've been working with him on." Ms. Olander went on to say that the daily bus ride would take about 180 hours per school year away from their son being in a structured learning environment or getting more rest at home to help him be more successful in school.

Ms. Olander stated that their son's education and learning needs are their number one priority and that they do understand that they will be paying more in taxes to accommodate both Minot Public Schools and Nodrose Public Schools and that they are willing to do that if "that's the price that it takes for our son to have a better education and be more successful."

Mr. Fastnacht indicated that he appreciated Ms. Olander's testimony that she was in agreement with paying both sides of the taxes and stating that for the record. He went on to ask her to clarify that it was not the petitioner's intent to pay both sides, but that was what

they were willing to accept from the county committee's actions. Ms. Olander responded that was correct. Mr. Fastnacht further asked Ms. Olander to characterize their contact with their neighbors regarding paying the higher taxes. Ms. Olander stated that what was shared with her was that it wasn't necessarily what they all wanted but that they were willing to do it and that they understood the position they were in, and no one was planning to go against it.

Mr. Burdell Johnson asked Ms. Olander if the option of open enrollment had been discussed. Ms. Olander responded that it is an option, but it is determined on a year by year basis and that they felt that could be even harder for their son as there was not a guarantee that he could remain in the same elementary school within the Minot Public School District system.

County Superintendent of Schools:

Ms. Johnson spoke again to provide some clarity regarding open enrollment versus tuition free agreements and stated that Minot Public Schools does tuition free agreements. A tuition free agreement is a yearly application process, and a student is not guaranteed to be in the same elementary school every year.

In Support:

Dr. Mark Vollmer, Minot Public Schools Superintendent, spoke and pointed out that the local county committee had determined that they would approve the annexation based on the premise that both sides of the bonded indebtedness would be paid by those households moving into the Minot Public School district. He further testified that this has created somewhat of a concern at the county level regarding how that taxation is rolled out and that there is not necessarily a simple answer as to how that is computed on a regular basis, however that was the county committee's decision and Dr. Vollmer stated that they would support that decision.

Mr. Fastnacht asked Dr. Vollmer to clarify what he meant by the Minot Public School's stance on open enrollment. Dr. Vollmer replied that there had been a policy before him coming to the district to no longer accept open enrollment. When he became superintendent, an arrangement was made to negotiate tuition free agreements with surrounding schools. Dr. Vollmer went on to say that whenever possible they try to accommodate the requests in

those agreements but that their first obligation is to the students of their district and so that is not always possible.

Chairman Meehl asked Dr. Vollmer about the enrollment numbers at Hoeven Elementary and whether he felt it was realistic to expect that the petitioner's child would be able to attend Hoeven Elementary if the petition is denied today. He responded that it was hard to determine that as while enrollment numbers overall in the Minot district were down slightly, kindergarten numbers for Hoeven Elementary didn't necessarily follow that as some parents opted to delay the start of kindergarten for their child due to Covid-19 and they were expecting a large number of kindergarteners for that particular elementary school.

Jared Kizima, co-petitioner, was sworn in to answer a few questions from members of the State Board. Mr. Fastnacht asked Mr. Kizima if he'd had conversations with his neighbors whose taxes would be affected by this action and asked him to characterize those discussions. Mr. Kizima responded that he had reached out to all the neighbors and that in general the higher taxes is not what they'd prefer but that everyone understood that this is what needed to be done and they supported that. Mr. Fastnacht further clarified with Mr. Kizima that no one directly expressed opposition to the annexation.

Mr. Josh Johnson asked Mr. Kizima what the distance was from their home to John Hoeven Elementary. Mr. Kizima responded that it was two blocks.

In Opposition:

Mr. Matt Norby, Nedrose Public School Superintendent, testified in opposition to the annexation. He first presented the Board with a statement from James Vannett, Nedrose School Board President, outlining his reasons for his opposition to this annexation. Mr. Norby went on to state his reasons for his opposition to this annexation, primarily the financial impact on the Nedrose Public School District.

Chairman Meehl asked Mr. Norby why he was opposed to the annexation even though his district would continue to get taxes from the property being detached to support the bond until 2035. Mr. Norby answered that he is looking at the financial impact down the road, 15 or 20 or even 25 years down the road. He further stated that they wouldn't be getting the full tax contribution from those families affected by the annexation. He went on to say that he has to answer to the property owners in his district and that Nedrose's mills are some of

the highest in the state. He admitted that annexations are not the only reason that is the case, but it does have a significant impact.

Mr. Fastnacht asked Mr. Norby to clarify his position and asked him if the situation were such that a family was wanting to annex property into Nedrose, would he support or oppose. Mr. Norby stated that unless it was a situation that there were no other options, he would still be opposed. He stated that he's done research and is not a proponent of the annexation process. He believes that when someone buys a house, in most cases, they know which school district their house is in and doesn't think they should be able to change districts unless there is a very good reason.

Mr. Josh Johnson asked Mr. Norby what has changed in Nedrose from the 2010-2014 time period when there was over one hundred annexations from Nedrose to Minot without any opposition to now. Mr. Norby's response was that he came on board as the principal in Nedrose in 2015, there were new board members in 2015, and a new facility was built, all contributing to the hard stance that the Nedrose School District takes now.

Dr. Holen asked Mr. Norby to provide information on how many properties have been annexed into the district since 2015. Mr. Norby's response was that there had been one.

Mr. Fastnacht asked Mr. Norby what the projected tax impact of this current annexation would be for the patrons in his district. Mr. Norby replied that it would be about .02.

Mr. Josh Johnson asked Mr. Norby if, in the last two to three years, as properties have been annexed out of Nedrose, he's seen the taxes go up for properties remaining in the district. Mr. Norby responded that over the last several years the taxable valuation in the district has been going up, but that it is a very transient community and so that could change at any time.

Judge Dawson closed the hearing at 1:49 PM and turned the meeting back over Chairman Meehl.

The State Board members reviewed the Findings of Fact, Conclusions of Law, and Order completed by the Ward County Reorganization Committee, for the annexation of property from Nedrose Public School District No. 4 of Ward County in North Dakota to Minot Public School District No. 1 of Ward County in North Dakota. (Kazima petition).

A motion was made by Mr. Fastnacht to approve the annexation of property from Nedrose Public School District No. 4 to Minot Public School District No. 1 based on the following findings of fact which weighed most importantly to the board:

- 1) The least amount of land was taken to accomplish this annexation without creating an illegal island.
- 2) The taxable valuation exchange is reasonable.
- 3) The annexation passed the county board by a vote of 3-2.
- 4) The petitioners have agreed to pay the taxes for the Minot Public School District as well as the current bonded indebtedness of the Nedrose Public School District.
- 5) Following the county hearing there was no opposition in testimony to the taxation for Minot Public School District and the current bonded indebtedness of the Nedrose Public School District at the state hearing either in writing or in person.

The motion was seconded by Mr. Josh Johnson.

Result of roll call vote:

Ms. Effertz Hanson – yes

Mr. Josh Johnson - yes

Dr. Holen – yes

Mr. Fastnacht – yes

Mr. Burdell Johnson - no

Superintendent Baesler – yes

Ms. Meehl – yes

Motion passed by a vote of 6-1.

REVIEW THE RECORD, DISCUSS, AND TAKE ACTION ON THE ANNEXATION OF PROPERTY FROM FORDVILLE-LANKIN PUBLIC SCHOOL DISTRICT NO. 5 TO PARK RIVER AREA PUBLIC SCHOOL DISTRICT NO. 8, BOTH OF WALSH COUNTY IN NORTH DAKOTA (DIETRICH PETITION)

The State Board members reviewed the Findings of Fact, Conclusions of Law, and Order completed by the Walsh County School Annexation & Reorganization Committee, for the annexation of property from Fordville-Lankin Public School District No. 5 of Walsh County in North Dakota to Park River Area Public School District No. 8 of Walsh County in North Dakota (Dietrich petition).

A motion was made by Mr. Burdell Johnson to approve the annexation of property from Fordville-Lankin Public School District No. 5 to Park River Area Public School District No. 8

(Dietrich petition) based on the following findings of fact which weighed most importantly to the board:

- 1) This annexation affects one family with three children who are already attending Park River Area Public School.
- 2) The amount of property sought to be annexed is reasonable.
- 3) The taxable valuation per student is reasonable.
- 4) The county committee voted unanimously to approve the annexation.
- 5) There was no opposition at the county hearing.

The motion was seconded by Ms. Effertz Hanson.

Result of roll call vote:

Superintendent Baesler – yes

Mr. Josh Johnson – yes

Mr. Fastnacht – yes

Mr. Burdell Johnson – yes

Ms. Effertz Hanson – yes

Ms. Meehl – yes

Absent for vote – Dr. Holen

Motion passed 6-0.

UPDATE ON SB 2196- LEARNING CONTINUUM

Superintendent Baesler provided an update to the State Board about the work that has been done by Knowledge Works, several school districts in the state, and NDDPI. She went on to say that the next steps in creating the learning continuum that the 67th Legislative Assembly provided the State Board of Public School Education the authority to approve, or not approve, are being worked on. The learning continuum measures the competencies and skills that we want students to have as they move through the K-12 system in North Dakota. Currently we are measuring the achievement of those competencies and skills by credit hours and time spent in classrooms.

Superintendent Baesler shared that the design committee for this learning continuum is being selected now and that the final selections will be announced on May 28, 2021. The first work session for the newly formed committee will be held on June 28, 2021, and the content that will be covered in the first session is ELA, Social Studies, and Social Emotional

Learning. The second work session is scheduled for July 26, 2021, and the content that will be covered in that session is Math, Science and Social Emotional Learning.

Superintendent Baesler shared the timeline of this project and let the Board know that part of the final stage of the project, in the fall, will be for the State Board of Public School Education to either approve or deny the continuum. Discussion was held about the extent to which the Board would be involved in the development of the continuum prior to it coming to them for approval. Mr. Fastnacht suggested that Superintendent Baesler give the Board “check-ins” as the process evolves. It was also discussed that if, at some point, the design committee can’t reach a consensus, the State Board may be asked to step in and be a decision maker in the process.

There being no other business before the Board, the meeting was adjourned at 3:03 PM.